Remarks

Claims 1 to 26 were in the application as filed.

Claims 1 to 9, 12 to 17, 20, and 23 to 26 have been amended to comport these claims with conventional U.S. claim format. Support for these amendments can be found, for example, in the claims as originally filed and on page 34, line 5 to page 40, line 31 of the specification.

The Examiner notes that the claims of Group III, are "use of" claims and suggests that the claims be amended to recite methods claims (Restriction Requirement, page 2). Applicants have amended claims 13 to 17 and 23 to 26, as suggested by the Examiner, so that they are in appropriate "method" format.

Claim 1 has been amended to include various substituents set forth in original dependent Claim 3 to better and more properly reflect what Applicants have a right to claim as their invention.

Claim 2 has been amended so as to depend upon claim 1.

Claim 5 has been amended to clarify that the Rc and R1c definition of "S(O)n-NH_2 optionally substituted on the nitrogen atom with one or two alkyl radicals" refers to the moieties -S(O)n-NH(Alk) and -S(O)n-N(Alk)(Alk), and not that the nitrogen atom is pentavalent.

Claim 12 has been amended to indicate that the pharmaceutical compositions comprise a pharmaceutically acceptable excipient. Support for this amendment can be found, for example, on page 38, lines 20 to 28.

Claim 20 has been amended to recite the substituents of the compound of Formula (IV). Support for this amendment can be found, for example, in original claims 1 and 9.

No new matter has been added by these amendments.

Claims 10, 11, 18, 19, 21 and 22 have been canceled by the foregoing amendments. Applicants reserve the right to pursue the canceled subject matter in one or more continuation, continuation-in-part, or divisional applications.

As presently amended, claims 1 to 9, 12 to 17, 20, and 23 to 26 are pending in this application.

Discussion of Restriction Requirement

The Examiner has required restriction under 35 U.S.C. §121 as follows:

Group I: Claims 1-8, 10-12, 17-18, and 20-21, drawn to a purine derivative, classified in class 514, subclass 263.1 for example.

Group II: Claim 9, drawn to a method for making a purine derivative, classified in class 536, subclass 26.71 for example.

Group III: Claims 13-16, 19 and 23-26, drawn to a method for using the purine derivative of Group 1, classified in class 544, subclass 288.

(Restriction Requirement, page 2).

The Examiner's alleged basis for requiring restriction is that "Inventions I and II are related as process of making and product made" and "Inventions I and III are related as product and process of use" (Restriction Requirement, page 3).

The Examiner has also required election of a single disclosed species of purine derivative for prosecution on the merits to which claims shall be restricted if no generic claims is found allowable.

Notwithstanding the Examiner's allegations, Applicants respectfully traverse this restriction requirement.

Even though the claims of Groups I, II, and III may be patentably distinct, this is not the sole criterion for a proper restriction requirement. There must also be a serious burden on the Examiner.

Applicants maintain that no serious burden is placed on the Examiner to search all claims of Groups I, II, and III, because the scope of these groups are only to the compounds encompassed by the Group I claims, compositions thereof, methods of use and processes of making the compounds of Group I. Applicants respectfully submit that a search for said compounds, as would be performed for the Group I invention, would encompass a search of

compositions comprising, processes to prepare and methods of using said compounds, thus imposing no serious burden on the Examiner.

Therefore, reconsideration of the restriction requirement and action on the merits are requested.

Provisional Election

Should the restriction requirement be made final and in order to be fully responsive, Applicants provisionally elect, with traverse, the invention Group I, Claims 1 to 8, 10 to 12, 17 to 18, and 20 to 21, drawn to purine derivatives.

Applicants elect, with traverse, the species of Example 30: Trans-N-[6-(2,3-dihydro-5-nitro-1H-indol-1-yl)-9H-purin-2-yl]-1,4-cyclohexanediamine dihydrochloride

Support for this species can be found, for example, on page 60 of the specification. This species is encompassed by Claims 1 to 8 and 12.

Applicants reserve their right to file one or more divisional applications with respect to any of the non-elected subject matter.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

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Date

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